

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

Larry L. Williams,)
A resident of the State of Oklahoma,)
)
Plaintiff,)
)
vs.) Case No. CIV-14-1347-C
)
Dougherty Forestry Manufacturing,)
Ltd. Co. an Oklahoma Limited) **JURY TRIAL DEMANDED**
Liability Company)
Defendant.)

COMPLAINT

COMES NOW the Plaintiff, Larry L. Williams (“Williams”), and for his complaint against: Dougherty Forestry Manufacturing, Ltd. CO. (“Dougherty”), states and alleges as follows:

JURISDICTION AND VENUE

1. This is an action for willful patent infringement under 35 U.S.C. § 271 *et seq.* This Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. §§ 1338(a) and 1331.

2. Venue is proper pursuant to 28 U.S.C. §§ 1391(d) and 1400(b).

3. On information and belief, Dougherty has placed infringing products into the stream of commerce by selling products within this District or knowing that the devices would be sold within this District.

THE PARTIES

4. Plaintiff, Williams, is an Oklahoma resident having a place of address in this judicial district at 10125 N. 2350 Road, Weatherford, OK 73096. Williams develops, produces, and sells technology for the forestry industry, including a tree cutting attachment for a skid steer loader, primarily used for cutting down the red cedar tree (*Juniperus Virginiana*), which is a natural constituent of the landscape across Oklahoma and the Great Plains, and now considered by many to be a nuisance weed.

5. Williams is the owner of the entire right, title, and interest to United States Patent No. 7,152,640 (the “‘640 Patent”), entitled “Tree Cutting Attachment For Skid Steerloader,” the ‘640 patent was issued, under a reexamination certificate, on May 8, 2012 to Larry L. Williams. A copy of the ‘640 patent is attached hereto as Exhibit “1.”

6. Defendant, Dougherty, is an Oklahoma Limited Liability Company having a place of business at 30250 Jensen Road West, Hinton, OK 73047 USA. Dougherty, directly and/or through its subsidiaries and affiliates,

develops and markets a number of products, including products for use in the forestry industry, and markets those products throughout the mid and southwest regions of the United States of America, including this judicial district. In particular, Dougherty, directly and/or through its subsidiaries and affiliates, further markets and sells their forestry products under the brand name "Turbo Saw."

COUNT I - CLAIM FOR RELIEF AGAINST DOUGHERTY
Patent Infringement of the '640 Patent

7. Williams repeats and realleges the allegations contained in Paragraphs 1 through 6 of this Complaint as if fully set forth herein.

8. Dougherty have infringed and continues to infringe the '640 Patent in violation of 35 U.S.C. § 271(a) through their conduct with regard to the manufacture and sale of their FIXED BOOM, Turbo Saw brand of tree and brush cutter products as claimed by the '640 Patent.

9. Dougherty's infringement of the '640 Patent is and has been willful and deliberate.

10. Williams has been injured and damaged, and will continue to be injured and damaged, by Dougherty's infringement of the '640 Patent.

Dougherty's infringement of the '640 Patent has caused, and will continue to cause, irreparable harm to Williams unless and until enjoined by this Court.

COUNT II - UNFAIR COMPETITION

11. Williams repeats and realleges the allegations contained in Paragraphs 1 through 10 of this Complaint as if fully set forth herein.

12. Dougherty's conduct constitutes unfair competition and a *prima facie* tort under Oklahoma law and 76 O.S. § 1.

13. As a result of Dougherty's bad faith conduct, Dougherty now enjoys a dominant share of the mid and southwest US market in the forestry industry for skid steer loader mountable tree and brush cutting attachments.

14. Dougherty's conduct, acts or practices have substantially interfered with Williams' ability to compete in the industry on the merits of the parties products and compete in the marketplace.

15. Williams has been damaged as a direct result of such violations.

16. Dougherty's conduct is bad faith, malicious and intentional and/or in reckless disregard of the rights of others.

17. As a proximate result of Dougherty's violations and conduct as set forth above, Williams has been injured in that Williams' sole proprietorship entity has lost customers, sales and profits which it would have made but for Dougherty's unlawful activity, and have lost and continue to lose goodwill and suffer diminution in value of a growing concern, which Williams is the sole proprietor, and is entitled to recover damages to be proven at trial.

COUNT III - PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Larry L. Williams prays that judgment be granted in his favor and against Dougherty as follows:

A. That Defendant has infringed the '640 Patent pursuant to 35 U.S.C. § 271;

B. That Defendant and all parties contemplated by Rule 65(d) Fed. R. Civ. P., be permanently enjoined from further infringement of the '640 Patent pursuant to 35 U.S.C. § 283;

C. That Defendant be ordered to account for and pay to Plaintiff the damages adequate to compensate for the infringement, but in no event less than a reasonable royalty, to which Plaintiff is entitled as a result of Defendants' infringement pursuant to 35 U.S.C. § 284;

D. That in view of Defendants' acts of willful, deliberate, and intentional infringement, such damages should be increased up to three times the amount assessed;

E. That this case be deemed exceptional and Plaintiff be awarded attorney fees pursuant to 35 U.S.C. § 285;

F. For all damages Williams has suffered by reason of the aforementioned common law violation;

G. Punitive damages as against Defendants under Count II pursuant to 23 O.S. § 9.1; and

H. Such other and further relief as the Court deems just and proper.

Dated: December 5, 2014

s/Daniel P. Dooley

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